



Lisa M. DuRoss  
Direct Dial: (248) 641-1286  
duross@hdp.com

*Miscellaneous  
Expanded*

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

Re: Applicant: Diamond Power International, Inc.  
Serial No.: 78/143,464  
Filing Date: July 12, 2002  
Mark: **dp & Design (Color)**  
Attorney Docket No.: 0408-200387/US

Dear Madam:

Enclosed please find Applicant's Response to Office Action and a postcard.

There Commissioner is hereby required to charge any fees which may be required with this submission to Deposit Account No. 08-0750. A duplicate copy of this transmittal letter is attached.

Respectfully submitted:

Lisa M. DuRoss (P39459)  
Attorney for Applicant

Dated: August 5, 2005

EV 716 203 994 US

FOR COURIER DELIVERY ONLY  
Harness, Dickey & Pierce, P.L.C.  
Attorneys and Counselors  
5445 Corporate Drive  
Troy, Michigan 48098  
248.641.1600

CABLE  
Patents Troy, Michigan  
Telex No. & Reply  
287637 Harness UR  
Telefacsimile 248.641.0270

P.O. Box 828  
Bloomfield Hills, MI 48303 U.S.A.

Metropolitan  
Detroit, MI St. Louis, MO Washington, D.C.

[www.hdp.com](http://www.hdp.com)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 78/143,464 )  
 )  
Filed: July 12, 2002 )  
 )  
Applicant: Diamond Power International, Inc. )  
 )  
Mark: dp & Design (Color) )  
 )  
Examiner: Lauriel F. Dalier )  
 )  
Law Office: 116 )  
 )

**RESPONSE TO  
OFFICE ACTION**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**CERTIFICATE OF MAILING**

*I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451*  
on August 5, 2005  
By [Signature]

Dear Madam:

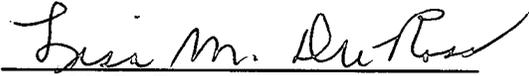
This is in response to the Office Action dated April 20, 2005. The Examiner has indicated that the specimen previously submitted was unclear and the mark could not be clearly distinguished. Enclosed please find a paper copy of the photograph submitted with Applicant's February 23, 2005 Response. It is a true copy of the photograph submitted with the February 23, 2005 Response.

Inasmuch as this Office Action was "FINAL", Applicant has filed a preliminary Notice of Appeal via the TEAS system, a copy of which is attached for your reference.

WHEREFORE, Applicant respectfully requests the Examiner to accept Applicant's

Statement of Use filed on October 5, 2004 and pass this application to registration.

Respectfully submitted,



Lisa M. DuRoss  
Lisa M. DuRoss  
Attorney for Applicant

HARNES, DICKEY & PIERCE, P.L.C.  
5445 Corporate Drive, Suite 400  
Troy, Michigan 48098  
Telephone: 248.641.1600  
Facsimile: 248.341.1365  
Email: [doctetingtm@hdp.com](mailto:doctetingtm@hdp.com)

LMD/rem  
Enclosure(s)

